

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2018 JUN -1 PM 2:07
CLERK'S OFFICE
AT BALTIMORE
BY _____ DEPUTY

IVICA KOVAČIĆ,

Plaintiff,

v.

Civil Action No.: 1:17-cv-00044-RDB
Hon. Richard D. Bennett

DANIJELA HARRIS,

Defendant.

OPPOSITION TO MOTION FOR SUMMARY JUDGEMENT

Pursuant to Fed. R. Civ. P. 56 (a), Defendant submits this opposition to the pending Motion for Summary Judgement, on file herein, to demonstrate to the Court that there is a genuine issue of material fact in this case that precludes the entry of a judgment as a matter of law.

This opposition is based upon and supported by the following Memorandum of Points and Authorities, the pleadings and papers on file, the affidavits and exhibits attached hereto, and any argument that the Court may allow at the time of hearing.

Dated: May 27, 2018

Respectfully submitted by:

Danijela Harris, *Pro Se*



MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

In response to the facts set forth in the Plaintiff's Motion for Summary Judgement, Defendant provides the following statement of facts:

Plaintiff filed complaint within one year, however, it has been an additional year and a half since the filing, and N.K. is settled and has built a life in the United States.

II. STANDARD OF REVIEW

Under Fed. R. Civ. P. Rule 56(c), summary judgment is proper "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law."

III. ARGUMENT

In the present case, there is a genuine issue of material fact, specifically:

1. N.K. has been in the United States for 2 and ½ years.
2. N.K. will turn 15 on May 31st. She has reached an age of maturity in which she can decide with whom she wants to live.
3. In the plaintiff's referenced case, *Gonzalez v. Preston*, the children in question were 2 and 4 years old, this is not relatable to a 15 year old. Also, while the plaintiff in that case did file her petition within 1 year, the trial happened only 1 month later. This has been an additional year and a half.
4. N.K. has built a life here in these 2 years between her family, friends and dance. She is looking forward to starting her freshman year of highschool next year in the United States.

5. The plaintiff agreed to allow N.K. to stay in the United States when he signed the settlement. It was only after he failed to provide proper travel documents in time for N.K. to travel for winter break, was this case reopened.

IV. CONCLUSION

For the reasons stated above, the Court should deny the Motion for Summary Judgement.

Dated: May 27, 2018

Respectfully submitted,

Danijela Harris, *Pro Se*

A handwritten signature in black ink, appearing to be 'DH' or similar initials, written in a cursive style.